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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,879    05/11/99    NUGENT

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DANIEL ROBINSON  
1867 YGNACIO VALLEY ROAD 1008  
WALNUT CREEK CA 94598

MM92/0705

EXAMINER

STEVENS, M

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 07/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

69/309,879

Applicant(s)

NUGENT ET AL

Examiner

MAURICE STEVENS

Group Art Unit

2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: Page 1, line 18 the word "has" should be *have* and on page 1, line 19 rewrite the sentence beginning with "It" for proper sentence completion .

Appropriate correction is required.

### *Drawings*

The drawings are objected to because in figure 4 the reference number {300} does not refer to or point out anything and figure 1 should be labeled "prior art". Correction is required.

### *Claim Objections*

Claim 5 is objected to because of the following informalities: Claim 5 improperly depends on itself and claim 6, line 2 "when impact the other time" should be written *when impact occurs the other time*. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 10-11 beginning with "comprises a pendulum mounted on which changes the resistance value of circuit board by the swinging of the pendulum", what is the pendulum mounted on? This phrase is unclear and vague.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The claims 1-6 are rejected under 35 U.S.C. 103 as being unpatentable over Lichtwardt (5476287), in view of Sakakibara et al (4561606) and Suran et al (5520263).

Lichtwardt discloses a tightening unit having a fastening plate (column 3, lines 14-15), a pulling force recording unit for mounting to a fastenening seat of the safety belt (fig. 1, {32}), an impact status recording unit (fig. 1, {26}), a recording indication unit (fig. 1, {28}), wherein the

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pulling force recording unit comprises a clipping frame containing a fastening loop with one end protruded out from the sensing device (fig. 2), and the fastening status recording unit comprises an enumerating sensing switch (column 3, lines 11-15), electrical signal and resistance of the above units are transferred to the record indication unit (column 3, lines 16-20), wherein the tightening unit comprises an engaging element and a releasing button, and a partial of the releasing button is exposed laterally and the engaging element is adhered to the lateral face of the releasing button to elastically mount the fastening belt of the safety belt (column 3, lines 14-15). However, Lichtwardt does not disclose an elastic mounting unit capable of changing the resistance value when a pulling force is exerted the impact status recording unit comprises a pendulum mounted on which changes the resistance value of circuit board by the swinging of the pendulum, wherein the record indication unit comprises two time indication batteries, a time adjusting button, an impact force indication light at least one battery, a plurality of IC's and an indication circuit board formed from a signal line connector, the battery provides the required power of the device and the two time indication circuits record the time simultaneously, wherein when impact, one of the time indication circuits receives an impact signal from the pulling force record unit and the impact status record unit and wherein when impact the other time indication circuit continues time recording.

Sakakibara et al discloses an elastic mounting unit capable of changing the resistance value when a pulling force is exerted the impact status recording unit comprises a pendulum mounted on which changes the resistance value of circuit board by the swinging of the pendulum

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(fig.2, {21}), wherein the fastener engaging body comprises a fastening plate, and one end if the plate is mounted with a rotating shaft having a twisted spring, by means of the spring urging the fastening plate, an elastic engaging is formed (fig1, {6 spring casing for a twisted spring} and {35 storing means rotates the reel})

Suran et al discloses wherein the record indication unit comprises two time indication batteries, a time adjusting button, an impact force indication light at least one battery, a plurality of IC's and an indication circuit board formed from a signal line connector, the battery provides the required power of the device and the two time indication circuits record the time simultaneously (fig. 3), wherein when impact, one of the time indication circuits recieves an impact signal from the pulling force record unit and the impact status record unit (column 8, lines 49-54) and wherein when impact the other time indication circuit continues time recording (column 7, lines 30-39).

Since Lichtwardt, Sakakibara et al and Suran et al are all from the same field of endeavor, the purpose disclosed by Sakakibara et al would have been recognized in the pertinent art of Lichwardt.

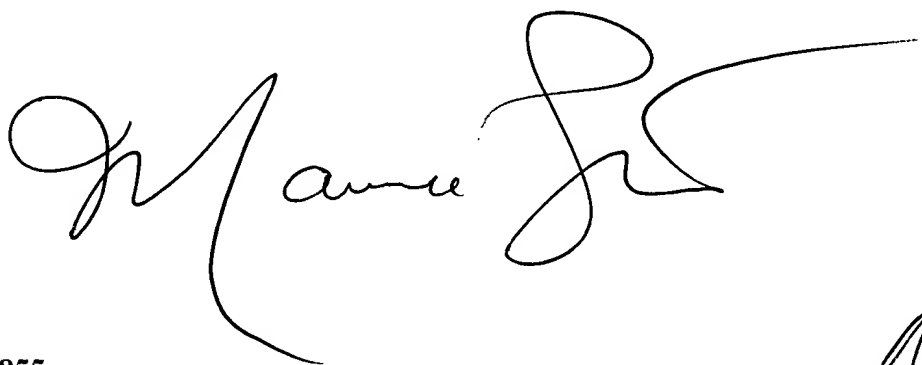
It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify Lichwardt according to the teachings of Sakakibara et al and Suran et al for the purpose of using a pendulum mounted to a seat belt apparatus to detect shock applied to the automobile body and having another time indication circuit that continues recording after an impact of the car.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Stevens whose telephone number is (703) 306-5895. The examiner can normally be reached on Monday-Thursday from 7:00 AM-3:30 PM.

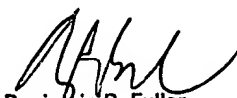
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Fuller, can be reached on (703) 308-0079. The fax phone number for this Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A large, stylized handwritten signature in black ink, appearing to read "Maurice Stevens". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

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6-29-00

A smaller handwritten signature in black ink, appearing to read "Benjamin R. Fuller".

Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800